

ITEM #1

Chapter 16 Building Commissions – School Projects

ITEM #2

Delete 275-4 Nursing Home – Any facility containing beds for two or more patients, established to render domiciliary and/or health care for elderly person and which was lawfully licensed by the state.

Add 275-4 Nursing Home as defined in Chapter 111, Section 71. Licensing of convalescent and nursing homes, infirmaries, etc. as amended.

Add 275-4 – Assisted Living Residence as defined in MGL Chapter 19D, Section 1, Definitions, as amended.

Add 275-4 Over Age 55 Restricted Housing – A planned development of land consisting of one or more structures constructed expressly for use and residency by persons who have achieved the minimum age requirement for residency of fifty-five (55) years or older, as permitted by MGL Chapter 151B, Section 4, Subsection 6, as amended and developed in accordance with Chicopee City Code Chapter 275-53 dimensional and density requirement.

275-58 Business A Districts

Delete 275-58 (B) 15 Nursing Homes

Add C Special Permit

(10) Nursing Homes, Assisted Living, Over 55 Age Restricted Housing

Chapter 275-59 Business B Districts

Delete B (17) Nursing Homes

Add C Special Permit

(10) Nursing Home, Assisted Living, Over 55 Age Restricted Housing

Chapter 275-62 B Special Permits

Add

24 (A) Nursing Home

24 (B) Assisted Living

24 (C) Over Age 55 Restricted Housing

25 After districts, add "excluding nursing homes, assisted living, over age 55 restricted housing."

ITEM #3

Miscellaneous Traffic Ordinances

ITEM #4

Minutes



CHICOPEE CITY COUNCIL
ORDINANCE COMMITTEE

ACCEPTED 4-14-09

MEMBERS

James Tillotson, Chairman
George Moreau, Vice-Chairman
Donald Demers
John Vieau
Robert J. Zygarowski

MINUTES
March 10, 2009

The following are the minutes of a public hearing held Tuesday, March 10, 2009 at 6:30 PM in the Aldermanic Chambers, Fourth Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

Members Present: Tillotson, Moreau, Demers, Vieau, Zygarowski

Also Present: Daniel Garvey (Associate City Solicitor), Kate Brown (Planning Director), Chris Nolan (Mayor's Special Project Manager), Richard Rege (Superintendent of Schools), Marge Wojcik (School Committee)

The meeting was called to order at 6:30 PM

ITEM #1

BE IT ORDAINED by the City Council that the Code of the City of Chicopee for the Year 1991, as amended be and is hereby further amended as follows:

Delete 16-2

And in its place 16-42

There is hereby established authorization to appoint Building Commissions, whose duties will be to oversee the construction of all buildings erected under contract by the City of Chicopee and all construction projects designated hereafter with the exception of school buildings construction and/or school revocation projects. School building construction and/or school revocation projects shall be governed by ARTICLE XXVI, 16-112 to 16-118 inclusive.

ADD Article XXVI Building Commissions- School Projects

16-112 Authority to Appoint: Purpose

There is hereby established authorization to appoint a School Building Commission, whose duties will be to oversee the construction and/or renovations of all school buildings erected under contract by the City of Chicopee. The purpose of the School Building Commission shall be to both monitor and assist in the application for funds and advise and assist in the construction of a school building and/or renovation project.

16-113 Projects requiring Commissions

All buildings constructed for the use by the City of Chicopee School Department or any of its departments and any renovations to existing school buildings where the total contract price totals \$2,000,000.00 or more. Each such school project shall have a separate Building Commission

16-114 Composition

Upon the solicitation of request for a proposal in connection with a bid for construction of any project requiring a Commission in accordance with 16-113, the Mayor shall appoint a total of thirteen members, as follows:

CATEGORIES:

- (1) A member of the Chicopee School Committee
- (2) The Chicopee Superintendent of Schools
- (3) The Chicopee Inspector of Buildings
- (4) City Official/employee responsible for the maintenance of buildings
- (5) School principal of the subject school
- (6) A member who has knowledge of the educational mission and function of the facility to be built or renovated
- (7) A member of the City of Chicopee Finance Committee
- (8) Members of the community with architecture, engineering and/or construction experience to provide advice relative to the effect of the Proposed Project on the community and to examine building design and construction in terms of its constructability. (See 963 CMR 2.10 (3)(b).)
- (9) The City Council shall recommend five appointments to the Mayor from category number eight
- (10) The Mayor shall appoint one member from category eight

All appointments by the Mayor to the School Building Commission must be submitted to the city Council for confirmation by the majority vote of seven except for categories one through seven.

16-115 Powers and duties

- (a) As soon as practical after their appointment, to the Building Commission the Superintendent of schools shall call an organizational meeting to elect a Chairman, Vice Chairman who shall be chosen by a majority vote of the members present and voting. The Secretary shall be hired by a majority of members present and voting. The Mayor shall appoint legal counsel to attend all meetings of the Commission as requested by the Chairman.

(b) The Chairman and Vice Chairman shall have the duty of calling all regular meetings of the Commission upon 48 hours notice posted according to law. His duties shall include presiding over meetings of the Commission and all functions traditionally given to a Chairman. In absence of the Chairman, the Vice Chairman shall serve in that capacity. The Secretary shall record the minutes of each meeting and shall be responsible for transmitting all minutes and documents received by the commission to the City Clerk upon the dissolution of the Commission. A special meeting of the Commission shall be called upon written request of nine members.

(c) The Commission shall have the duty to oversee the school construction project and shall elect a Bills Committee, whose members shall review all incoming bills and vouchers and recommend approval for payment to the full Commission. An affirmation vote of nine members of the Commission shall be required for approval of the bills, and at least four members must sign the bills, which will then be presented to the City Auditor.

16-116 Duration

The Commission shall have the power to act from the time of its appointment and shall cease to exist, or any member shall be removed, upon one of the following conditions:

(a) When the building or project is finally accepted by the City; or

(b) Upon a direction or order of the Mayor, who shall then transmit the termination notice to the City Council? The procedure for termination under this section shall be held accordance with 16-117 of this article

16-117 Removal of members

A person shall cease to be a member of the Building Commission upon removing his or her residence from the City of Chicopee or for any of the reasons specified in 16-116. In the event that a person is to be removed, he or she shall be notified in writing by the Mayor and given the reasons for such removal. The person will, upon request in writing, not later than seven days after receipt of such notice of removal, be given a hearing upon such reasons for removal, said hearing to be held by the City Council within 15 days from the request for said hearing. An affirmative vote of nine shall be required before the removal becomes final.

16-117 Regulations

Each member of the School Building Commission shall, upon appointment, be given a copy of this article and also a copy of MGL c.30A, 11A and 11A ½ , and MGL c. 39, 23A and 23 B (Open Meetings Law).

Councilor Zygarowski stated he feels that under 16-114 Composition, "City Official/employee responsible for the maintenance of buildings" be changed to "Director of Maintenance for School Department" for clarification purposes

Motion made by Councilor Zygarowski to approve with changes:

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- (15) School principal of the subject school
- (16) A member who has knowledge of the educational mission and function of the facility to be built or renovated
- (17) A member of the City of Chicopee Finance Committee
- (18) Members of the community with architecture, engineering and/or construction experience to provide advice relative to the effect of the Proposed Project on the community and to examine building design and construction in terms of its constructability. (See 963 CMR 2.10 (3)(b).)
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Motion passed. Committee Vote 5-0 favorable

ITEM #2

BE IT ORDAINED by the City Council that the Code of the City of Chicopee for the year 1991, as amended, be and is hereby further amended as follows:

Delete 275-4 Nursing Home - Any facility containing beds for two or more patients, established to render domiciliary and/or health care for elderly person and which was lawfully licensed by the state.

Add 275-4 Nursing Home as defined in Chapter 1111, Section 71, Licensing of convalescent and nursing homes, infirmaries, etc. as amended

Add 275-4 Assisted Living Residence as defined in MGL Chapter 19D, Section 1, Definitions, as amended.

Add 275-4 Over Age 55 Restricted Housing - A planned development of land consisted of one or more structures constructed expressly for use and resident by persons, who have achieved the minimum age requirement for residency of fifty-five (55) years or older, as permitted by MGL Chapter 151B, Section 4, Subsection 6, as amended and development in accordance with Chicopee City Code Chapter 275-53 dimensional and density requirement.

Motion made by Councilor Moreau to approve.

Motion passed. Committee Vote: 5-0 favorable

BE IT ORDAINED by the City Council that the Code of the City of Chicopee for the Year 1991, as amended, be and hereby further amended as follows:

275-58 Business A Districts

Delete 275-58 (B) 15 Nursing homes

Add C Special Permit

(10) Nursing Homes, Assisted Living, Over 55 Age Restricted Housing

Motion made by Councilor Moreau to approve.

Motion passed. Committee Vote: 5-0 favorable

BE IT ORDAINED by the City Council that the Code of the City of Chicopee for the Year 1991, as amended, be and is hereby further amended as follows:

Chapter 275-59 Business B Districts

Delete B (17) Nursing Homes

Add C Special Permit

(10) Nursing Home, Assisted Living, Over 55 Age Restricted Housing

Motion made to vote unfavorably to follow with the Zoning Committees decision
Motion passed. Committee Vote 5-0 unfavorable

ITEM #3 - Miscellaneous Traffic

BE IT ORDAINED by the Board of Alderman of the City of Chicopee as follows: the CHAPTER 260, as amended on February 21, 1995, be further amended by adding to / ~~striking from~~ the following in schedule:

(Check Applicable)

- ☒ I Parking Regulations
- ☐ X Winter Parking Regulations
- ☐ XI One-Way Streets
- ☐ XIV Isolated Stop Signs and Signal Lights
- ☐ XIII Right Turn on Red
- ☐ II Bus Stops
- ☐ Other

AS FOLLOWS: **ROBAK DRIVE**

West side - from driveway to Burnett Road

PARKING PROHIBITED

Motion made by Councilor Zygarowski to approve.
Motion passed. Committee Vote: 5-0 favorable

BE IT ORDAINED by the Board of Alderman of the City of Chicopee as follows: the CHAPTER 260, as amended on February 21, 1995, be further amended by adding to / ~~striking from~~ the following in schedule:

(Check Applicable)

- ☐ I Parking Regulations
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- ☐ XIII Right Turn on Red
- ☐ II Bus Stops
- ☒ Other

AS FOLLOWS: **43 WALTER STREET**

HANDICAP PARKING

Motion made by Councilor Moreau to approve.
Motion passed. Committee Vote: 5-0 favorable

BE IT ORDAINED by the Board of Alderman of the City of Chicopee as follows: the CHAPTER 260, as amended on February 21, 1995, be further amended by adding to / ~~striking from~~ the following in schedule:

(Check Applicable)

- (X) I Parking Regulations
- () X Winter Parking Regulations
- () XI One-Way Streets
- () XIV Isolated Stop Signs and Signal Lights
- () XIII Right Turn on Red
- () II Bus Stops
- () Other

AS FOLLOWS: **ROBAK DRIVE**

West side - from driveway to Burnett Road

PARKING PROHIBITED

Councilor Krampits asked to table until next meeting

Motion made by Councilor Moreau to table.
Motion passed. Committee Vote: 5-0 favorable

ITEM #4

BE IT ORDAINED BY THE BOARD OF ALDERMEN THAT CHAPTER 7 OF THE CODE OF THE CITY OF CHICOPEE FOR THE YEAR 1991, AS AMENDED, BE AND HEREBY IS FURTHER AMENDED AS FOLLOWS:

SECTION 2
DPW PUBLIC UTILITIES
WASTEWATER

ADD
PROJECT SUPERVISOR
CONTRACT POSITION (40 HOURS)

Motion made to table and send letter to Mayor
Motion passed. Committee Vote: 5-0 favorable

ITEM #5

Minutes - February 10, 2009

Motion made by Councilor Vieau to approve.
Motion passed. Committee Vote: 5-0 favorable

Meeting adjourned at 6:59 PM.